

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Minnesota Auto Dealers Association,

Plaintiff,

v.

State of Minnesota, by and through the
Minnesota Pollution Control Agency and
the Minnesota Pollution Control Agency
Commissioner Laura Bishop,

Defendants.

Case No. 21-cv-53-WMW-ECW

MOTION TO DISMISS

TO THE COURT, ALL PARTIES, AND THEIR ATTORNEYS OF RECORD,
PLEASE TAKE NOTICE that Defendant State of Minnesota, by and through the
Minnesota Pollution Control Agency (MPCA) hereby respectfully moves the Court for an
Order pursuant to Fed. R. Civ. P. 12(b)(1) and 12(b)(6) to dismiss Plaintiff's Complaint
in the above-captioned matter.

As grounds for this motion, MPCA asserts that this court lacks subject matter
jurisdiction. Plaintiff fails to state a claim. Plaintiff's claims are not ripe. Plaintiff and its
members lack standing. And the Eleventh Amendment bars Plaintiff's lawsuit.

Respectfully submitted,

Dated: January 25, 2021

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By: /s/ Peter N. Surdo

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